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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 13 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the aide-mémoire on missing persons in Croatia and Bosnia and Herzegovina, and to ask you kindly to distribute it to the members of the Commission and to have it published as an official document of the fifty-fourth session of the Committee, under agenda items 8 and 10.

(Signed) Mr. Miroslav MILOŠEVIĆ
Chargé d'affaires a.i.

* The attachment is circulated as received in the language of submission only.

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Annex

**AIDE MEMOIRE**

I. In keeping with the General Framework Agreement for Peace in Bosnia and Herzegovina, the ministers for foreign affairs of the Federal Republic of Yugoslavia and the Republic of Croatia, Mr. Milan Milutinovic and Mr. Mate Granic, signed an Agreement on Cooperation in Tracing Missing Persons, in Dayton, on November 17, 1995. Under this Agreement, the Parties expressed their readiness to undertake, without any delay, all the measures needed for establishing the fate of missing persons. Also, the two parties committed themselves to exchange full and accurate data on missing persons, without any preconditions.

Against this background, a Protocol on Cooperation between the Commission of the Federal Government of FR Yugoslavia for Humanitarian Questions and Missing Persons and the Commission of the Government of Croatia for Detained and Missing Persons, was signed in Zagreb on April 17, 1996. The obligations of the two parties are set in detail under the Protocol Articles 2, 3, 4, 5 and 6.

The Croatian party, urged by FR Yugoslavia and in keeping with the Protocol, undertook to resolve the fate and provide answers concerning all the persons missing from the former Republic of Serb Krajina in the 1990-1996 period, particularly in the aftermath of the "Lightening" and Storm" Croatian Army operations, concurrently with the tracing efforts of FR Yugoslavia, comprehensively outlined in its Memorandum on Missing Persons. So far, out of the total of 1079, Croatia has provided 347 files only. That is to say that the Yugoslav Party demands Croatia to provide without delay the remaining 732 files on the persons killed during the Lightening and Storm operations, buried and registered by the Croatian authorities. This is of particular importance for the Yugoslav party, as the families of these persons inhabit the territory of FR Yugoslavia as refugees and since, out of the 347 unidentified persons' files submitted, only 120 persons have been identified, there are real chances of enhancing this number.

In accordance with the commitments taken, and with the agreement between Mr. Slobodan Milosevic, the President of FR Yugoslavia, and Mr. Bob Dole, the Chairman of the International Commission for Missing Persons(ICMP), the Commission of the Yugoslav Federal Government for Humanitarian Questions and Missing Persons, at the recent meeting of the two Commissions, held in Zagreb on February 3-4, 1998, submitted to the Croatian party the remaining 393 files for persons killed in Vukovar in 1991 (the total of the files submitted by it amounting to 1033). Hence, the Commission of FR Yugoslavia has fulfilled all its obligations arising from the Protocol on Cooperation between the two Commissions.

To date, the Commission of FR Yugoslavia has submitted 1012 death certificates for the persons killed in Vukovar in 1991, and 140 items - personal effects of the said persons.

II. The total number of demands for tracing FR Yugoslavia made to the Republic of Croatia, which includes as well the persons missing from the area of the Republic of Srpska Krajina, is 3 143, of these: 495 persons on the List for Tracing of Missing Persons in Croatia from 1991-1995; 47 members of the former Yugoslav People's Army (YPA), killed in Croatia; 112 missing persons - mostly members of the former YPA killed in Bosnia and Herzegovina; 2 515 missing persons - Serbs from the area of the Republic of Serbian Krajina and the Republic of Croatia in the 1990-1997 period, and 21 persons - Serbs from Vukovar detained in the summer of 1991, before the war broke up.

The total number of tracings of the Republic of Croatia, according to its official figures submitted to the Yugoslav Commission, amounts to 2 151 persons; of these, only some individual cases relate to FR Yugoslavia.

The Yugoslav party requests that the Protocol on Cooperation between the Commission of the Federal Government for Humanitarian Questions and Missing Persons and the Commission of the Government of the Republic of Croatia for Detained and Missing Persons be fully implemented and that the international organizations and institutions influence Mr. Franjo Tudjman, the President of the Republic of Croatia, to the effect that the Croatian Commission meet its obligations arising from the Protocol.

After six years, the Croatian party is demanded to resolve the fate of the Yugoslav pilots, first of all, Colonel Moric of father Radislav and Captain Medic of father Slobodan, whose fate is well known to the Croatian authorities, as evidenced by the proof the Yugoslav party provided to the Croatian Commission; a group of soldiers of the YPA, taken prisoner on May 2, 1992, at the village of Donja Koliba (Bosanski Brod) - 7 persons who are known (there is incontestable proof) to have been in the hands of the Croatian authorities at Slavonski Brod as prisoners-of-war. These were young soldiers at the time, having served their military service for three months. Croatia should - and it is capable to do it - resolve as a priority the fate of reservists of the former YPA, taken prisoner in April 1992 in Mostar, the so-called "Niksic" group - 11 in total, and, along with the so-called "Savnik" group - three persons, they were imprisoned in June 1992. Both groups were held in the prisons of the Republic of Croatia, and indeed, their fate is known to these authorities.

The Croatian side should, without delay and in conformity with the Protocol and the international law, release mortal remains of the members of the former YPA, since the data on the time and place where these - 47 persons altogether - had been killed have been handed to it.

In the summer of 1991, in Vukovar, even before the outbreak of the revolt and civil war in Croatia, the Croatian police arrested 21 persons -

prominent Serbs from this city; the list with their names has been submitted to the Croatian Commission, but nothing is known about them ever since. From the confidence- building aspect and for the sake of stopping the departure of Serbs from the region, it is indispensable that Croatia respond to this demand of FR Yugoslavia.

BOSNIA AND HERZEGOVINA

As far as Bosnia and Herzegovina is concerned, the Yugoslav demands are contained in the Memorandum of the FR of Yugoslavia on Missing Persons. The Yugoslav priorities are the cities of Sarajevo and Tuzla. Hence, FR Yugoslavia demands the international community for pressure to bear on President Alija Izetbegovic to release mortal remains of the soldiers from the so-called Sarajevo column, killed on May 3, 1992, in the Dobrovoljacka street in Sarajevo, on the occasion of the withdrawal of the YPA units.

The Yugoslav demands in relation to Bosnia and Herzegovina amount to 112 persons who were, most of them, members of the former YPA, killed on the occasion of the withdrawal of the YPA units from Sarajevo, on May 3, 1992, and Tuzla, on May 15, 1992.

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